IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

TUESDAY, THE 25TH SEPTEMBER 2007 / 3RD ASWINA 1929

WP(C).No. 28372 of 2007(C)

PETITIONER:

FELIX K.J., AGED 75 YEARS,
S/O. KURISSINGAL JOSEPH, ANCHERY DESOM,
OLLUR VILLAGE, THRISSUR TALUK.

BY ADV. SRI.P.SANTHOSH (PODUVAL)
SRI.RAJITHA.R.

RESPONDENTS:
----

1. **GEORGE @ VARGHESE, AGED 59 YEARS,**
   S/O. PALIYEKKARA KOCHAPPAN, CHIYYARAM DESOM &
   VILLAGE, THRISSUR TALUK.

2. **JOHNY, AGED 49 YEARS, S/O. PALIYEKKARA**
   KOCHAPPAN, CHIYYARAM DESOM & VILLAGE,
   THRISSUR TALUK.

3. **MERCY, AGED 50 YEARS, W/O. BABY,**
   CHIYYARAM DESOM & VILLAGE, THRISSUR TALUK.

4. **SALOMI, AGED 43 YEARS, W/O. BRAHMAKULAM**
   FRANCIS, CHIYYARAM DESOM & VILLAGE,
   THRISSUR TALUK.

5. **SILVI, AGED 40 YEARS,**
   W/O. PURANTHARAPPILLI RAPPAI, CHIYYARAM DESOM &
   VILLAGE, THRISSUR TALUK.

BY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 25/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

KSS

M.N. KRISHNAN, J.

= = = = = = = = = = = = = = =

W.P.C. NO. 28372 OF 2007

= = = = = = = = = = = = = = =

Dated this the 25th day of September, 2007.

J U D G M E N T

This writ petition is filed by the plaintiff in the suit against the order in I.A.3083/07 in O.S.570/07. The suit is one for return of advance amount and also for damages caused on account of the breach of contract committed by the defendant in the case. The total amount claimed in the suit is Rs.4 lakhs. An attachment application was also filed seeking to get security for the said amount or by attachment. The Court below itself had directed the respondent to furnish security for Rs. 2 lakhs stating that it is the advance amount. When the Court entertains a plea, the Court has to state why it is not granting the relief in toto. I am informed that the property has been already attached conditionally and therefore, while the Court is considering the question of sufficiency of security or otherwise, I direct the Court to bestow its attention and pass appropriate orders

regarding the request of the plaintiff to direct the defendant to furnish security of Rs.4 lakhs or attachment of property for the said purpose.

With this observation, this writ petition is disposed of.

M.N. KRISHNAN, JUDGE.

ul/-